

**ELIMINATION OF BARRIERS FOR HOMELESS STUDENTS – AR**

**I. Definitions**

- A. McKinney-Vento Act means the McKinney-Vento Homeless Education Assistance Improvement Act of 2001, 42 U.S. Code, Section 11431 *et seq.*
- B. School of origin means the school that the student attended or was last enrolled before becoming homeless.
- C. School of residence means the local school that the student is currently living in.
- D. Homeless student means individuals who lack a fixed, regular and adequate nighttime residence and who are otherwise eligible to receive educational services from Talbot County Public Schools. This term includes:
1. Students who are sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
  2. Students who are living in motels, hotels, trailer parks or camping grounds due to a lack of alternative adequate accommodations;
  3. Students who are living in emergency or transitional shelters;
  4. Students who are abandoned in hospitals;
  5. Students who are awaiting foster care placement.
  6. Students who have a primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodation for a human being.
  7. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, buses, bus or train stations or similar settings.
  8. Unaccompanied Homeless Youth (as defined by the McKinney-Vento Act) is a homeless child that is living in circumstances described in D above and are not in the physical custody of a parent or guardian.

9. Migratory students (as defined by Section 1309 of the Elementary and Secondary Education Act of 1965 as amended) who qualify as homeless for the purposes of this section because the children are living in circumstances described in D above.

## II. **PROCEDURES FOR ENROLLMENT**

The school may not deny, delay or transfer enrollment solely because a student is homeless, or because a homeless student is unable to produce school, medical, or residency records.

A school enrolling, or about to enroll, a homeless student shall:

- A. Immediately enroll the student in the school of origin or the school of residence, in accordance with the best interests of the student. The parent, guardian or a public agency having legal or lawful custody may enroll homeless students. The Student Services staff will assist unaccompanied youth 18 years old or older.
- B. When the homeless student is living with an individual other than the parent or guardian, the school will work with Student Services to help make a determination that the homeless student has been rendered to the care of an individual other than the parent or guardian.
- C. If there is a dispute over enrollment, the student shall be immediately enrolled in the school of origin or school of residence, pending resolution of the dispute. The parent or guardian of the student shall be provided notice of the school's decision regarding selection or enrollment, including the right of the parent or guardian to appeal the decision. The Family Liaison or Pupil Services will assist the family in following procedures for dispute resolution.
- D. Refer the family to the school counselor or Student Services Worker for assistance in understanding their rights, programs, services for homeless students, transportation services and notice of dispute resolution and appeals. Provide assistance and coordination of other community services.
- E. Make a reasonable effort to verify that the child is homeless. Contact school Student Services Worker for assistance with verification. Obtain "contact information".
- F. The McKinney-Vento Affidavit is the official form that documents the student's homelessness. This affidavit must be updated and renewed annually, and list the student's current address. Additional updates to the form must occur if/when the student's address changes.
- G. Contact the school last attended by the homeless student to obtain relevant academic and other records.

- H. Contact the Student Services Worker for assistance with immunizations. Assist the parent in obtaining necessary immunizations in a timely manner. Refer the student to the Wellness Center, the school nurse or the Health Department.
- I. The homeless student may not be barred from enrollment due to lack of immunizations. A “diligent effort” must be made to obtain records or assist the parent in having the student properly immunized. The school shall contact the Student Services Department when all measures have been exhausted and immunizations or records have not been obtained in a timely manner.
- J. Promptly provide appropriate educational and related services and accommodations for which homeless families and students are eligible. The school shall follow special education procedures for obtaining special education records.
- K. Refer the homeless student to the Multi Level Intervention Process Team for monitoring of school adjustment needs. Assess needs and assign the school counselor as case-manager.
- L. When an unaccompanied homeless youth is enrolled in Talbot County Public Schools, educational decisions will be made by an adult caregiver over the age of 21 that resides in the same household of the unaccompanied homeless youth. If that is not possible, Talbot County Public Schools will assign a school Social Worker to make educational decisions.

### **III. SCHOOL PLACEMENT AND DETERMINATION OF THE STUDENT’S BEST INTEREST**

Schools shall enroll each homeless student in the school determined to be in the student’s best interest. A homeless student shall, to the extent feasible, remain in his or her school of origin, unless doing so is against the wishes of the parent or guardian. The right to attend the school of origin extends for the duration of homelessness, or, if the student becomes permanently housed, for the remainder of the school year. In determining which

school will serve the best interests of the student:

- A. The parent or guardian, and the homeless student, if appropriate, will be given an opportunity to indicate their preference for continued placement in the school of origin or at the school closest to the temporary living location. The parent or guardian's choice will be given first consideration. The parent may choose the school of origin for the remainder of the year even if permanent housing is found during the year. If homelessness occurs between academic years, the student may remain in the school of origin for the following academic year.
- B. The parent or guardian and the school shall consider the following factors when determining which school will best serve the student:

1. Continuity of Instruction
2. Age of the student
3. The student's experience at the school of origin
4. The student's academic needs;
5. The student's emotional needs;
6. The special needs of the family;
7. Safety of the student;
8. Length of stay in the shelter;
9. Likely area in which the family or student will find permanent housing;
10. The student's need for special instructional programs;
11. The impact of the commute on the student's education, and other transportation factors;
12. School placement of sibling(s);
13. Schools attended by other children and youth at the same shelter or other temporary residence; and
14. Time remaining in the school year

C. In determining whether the school selected is feasible, the school shall consider transportation requirements and other aspects of school placement, including:

1. The availability of buses and personnel;
2. Length of ride time;
3. The distance to be traveled;
4. The opportunity for parent reimbursement;
5. The ability to reroute buses; and
6. The availability and cost of alternative transportation modes, such as taxis or public transit, as permitted by law.

D. The decision regarding placement shall be made regardless of whether the homeless student lives with the homeless parents or has been temporarily placed elsewhere.

E. If the school sends the student to a school other than the school of origin or the school requested by the parent/guardian, the school must provide written explanation of the school's decision that includes notice of the parent or guardian's right to appeal the decision.

#### **IV. STUDENT TRANSPORTATION**

Homeless students will be provided with transportation services comparable to the transportation services provided to non-homeless students. Parents will be notified of the availability of transportation services that are necessary for the homeless student to attend the school in which the student is enrolled. The school will work with Student Services, the Transportation Office and the parent or guardian to determine transportation needs. If the homeless student resides in another local school district, Student Services and the

Transportation Department will work with the other school system to determine feasibility of transportation options. Costs will be shared equally by both LEA'S if an agreement cannot be reached.

Transportation provided to the homeless student under this section shall continue as long as the student attends the school of origin and remains homeless; or until the end of the current school year, if permanent housing is found during the school year.

## **V. DISPUTE RESOLUTION**

The following procedures, as outlined in COMAR 13A.05.09.07, shall be implemented to address disputes regarding services to homeless students:

- A. School personnel informed of a parent or guardian's disagreement with the enrollment or access to services provided to a homeless student shall refer the parent to the Student Services for assistance with dispute resolution.
- B. Upon receipt of a written complaint from the parent of a homeless student, the principal shall resolve the complaint in writing within 5 school days. Notice of appeal rights will also be included.
- C. If the parent is dissatisfied with the resolution, or if the principal does not issue a resolution within 5 school days, the parent of the homeless student may file a written complaint with the Superintendent.
- D. The Superintendent shall issue a decision within 10 school days, which shall include notice of the parent's right to appeal the decision.
- E. If the Superintendent does not issue a decision within 10 school days or if the parent of the homeless student is dissatisfied with the decision, the parent may appeal, in writing, to the Talbot County Board of Education within 30 days, pursuant to Education Article, 4-205(c), Annotated Code of Maryland.
- F. The Talbot County Board of Education shall decide the appeal in writing on an expedited basis within 45 days of receipt of the appeal. Notice of appeal rights will be included.
- G. If the parent of the homeless student is dissatisfied with the decision of the Board, the parent may appeal the decision to the State board in writing, within 30 days, pursuant to COMAR 13A.01.01.03.

During the dispute resolution process, including any appeals, the student shall remain enrolled in the school system. If a dispute arises over school selection or enrollment, the child or youth immediately shall remain enrolled in the school of origin, pending resolution of the dispute and provided transportation to the school of origin for the

duration of the dispute resolution process.

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